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SPEECH

OF

ION. THOS. ROSS, OF PENNSYLVANIA,

ON

THE ADMISSION OF CALIFORNIA.

DELIVERED

IN THE HOUSE OF REPRESENTATIVES, APRIL 10, 1850.

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## ADMISSION OF CALIFORNIA.

In Committee of the Whole on the state of the Union, on the President's Message communicating the Constitution of California.

Mr. ROSS said—

Mr. CHAIRMAN: It was my intention to take no part in this discussion; but as I do not concur with any one of my colleagues who have addressed the committee, in the views which they have expressed, I deem it proper also to offer some remarks upon the subject now under consideration. Beside, I feel that it is a duty which I owe my constituents, to explain to them the position that I occupy on this exciting and most momentous question. I do not intend, sir, to submit any elaborate argument on the constitutional point, which has already been the subject of so much discussion; but, as I have no wish to conceal from my constituents any opinion I entertain, it is but just to them to say, that I have given that question an anxious and deliberate consideration, and that, in my opinion, Congress has no constitutional power either to establish or to prohibit slavery in the States or territories. And I will further say, that even if Congress had the constitutional power, it would be unwise, inexpedient, and highly improper to exercise that power.

In justice to myself I will, in a few words, give my reasons for this opinion. Each State was an independent sovereignty when she entered the Confederacy, so far, at least, as regarded the objects of property, and the domestic and social institutions of her people; and she surrendered no part of that sovereignty by becoming a member of the Union. The General Government was established for certain specified objects, and its powers are limited by the constitutional grant which created it; but to the States themselves belong all powers not expressly delegated, or which, by necessary implication, do not arise from some express grant. At the time of the adoption of the Constitution, negro slavery, I believe, existed in all the States but one, which then formed the Union; and no power was given to the General Government to control, regulate, prohibit, or establish slavery. That power, not being granted, was vested in the States themselves. The Constitution, however, recognized slavery as one of the institutions of the country, and made provision for the protection of slave property. There was no grant, therefore, of power of any kind on the subject of slavery made by the States to the General Government; but there was a binding obligation entered into by the free

States, or by such as might become free, that the General Government should protect slave property. It seems to me, therefore, that as the States delegated to the General Government no power of any kind over the question of slavery, Congress, which derives all its powers from the Constitution, possesses no authority either to establish or prohibit slavery in the States or territories. In regard to the territories, Mr. Chairman, the General Government is but the trustee of the States; and it has no power to make any rule or regulation which will throw open the territories to settlement by the people of one section of the Union to the exclusion of the people of another section. The beneficiary interest of the territories is in the people of all the States—slave States as well as free; and the General Government, as the trustee, is bound to execute the trust for the common benefit of all. Any legislation by Congress, prohibiting slavery in the territories, would, therefore, be not only an assumption of power not delegated, but would be a violation of the trust, which the Constitution vested in the General Government.

But, sir, I further hold that, the General Government has no power to prohibit, by any legislative act, the introduction into the territories of any species of property which the Constitution of the United States has recognized as property. Property in slaves is not only recognized by the Constitution, but guarantees are given for its protection. The power, therefore, which is given to Congress by the third section of the fourth article, to make "all needful rules and regulations respecting the territory or other property belonging to the United States," is merely a right to regulate, but not a power to abolish that which the Constitution has recognized as property. An obligation to protect or regulate, gives no power to prohibit or to destroy. And thus, while we have the constitutional power to pass laws for the protection and regulation of slave property in the territories, we have no power to make any legislative enactment for its prohibition, whether in the States or territories. In a word, sir, the Constitution of the United States is the Constitution of the territories, and as that Constitution recognizes the right of property in slaves, any prohibition by Congress of that right would be in violation of the Constitution, which is the supreme law of the land.

But, sir, this system of slavery involves not merely a question of property. It is a domestic institution, interwoven with the social system of one half of the States of this Confederacy. I have



just expressed the opinion that, viewed as a question of property alone, legislation by Congress in regard to it is unconstitutional; but when viewed in its true light, as a domestic institution, lying at the foundation of the social system of six or seven millions of the people of this country, I cannot hesitate in pronouncing all legislation by Congress for its prohibition a usurpation of power never delegated, and a clear violation of the spirit and meaning of the Constitution. Sir, the Constitution was not formed for the purpose of controlling, or interfering with the domestic or social institutions of the people of any of the States. No such power is conferred by the States on the General Government in any part of that instrument. This Union never would have been formed, if such a power had been attempted to be delegated to the General Government. No class of people in any part of the Union would have been willing to subject their domestic institutions to the control of a mere sectional majority, which might, in the lapse of time, prevail in this House. I think, sir, it is an undeniable proposition, that whatever social system or domestic relation, not forbidden by the Constitution, the people of this country see proper to adopt, the people of the territories may also adopt or reject, as may seem to them the more expedient. Pennsylvania, and each one of the fifteen free States of this Union, may reorganize their social institutions at any time, and introduce this system of domestic servitude. There is nothing in the Constitution of the United States to prohibit it. I know that this will never be done, for no free State will inflict so great an evil upon her people as to introduce negro slavery; but they have the constitutional power, if they see proper to exercise it. If, then, all the thirty States of this Confederacy may adopt this system of negro servitude without any violation of the Constitution, I am at a loss to understand in what part of that instrument Congress finds its power of prohibition in the territories. The power to make rules and regulations respecting the property of the United States in the territories, confers no authority to prohibit or abolish any social or domestic relation of the people not in violation of the Constitution. If it be unconstitutional in Congress to prohibit this domestic institution in the States, it is equally unconstitutional to prohibit it in the territories. Congress has no delegated power in either case, under the Constitution; and I can see no difference in principle between the States and territories as to the power of Congress over the domestic institutions of the people.

I know, sir, that there are legislative precedents for the exercise of this power by Congress; but precedents, not founded on any constitutional authority, can and ought to have no binding force, either here or in courts of law. They have always been, in every Government, and in every age, the plea of tyrants for usurpation of power, and for encroachments on the rights of the people. It has been truly said, that a precedent can never sanctify error, or perpetuate usurpation. In a constitutional Government, such as ours, where the powers of the General Government are clearly defined, no act or repeated acts of Congress, can either enlarge or restrict those powers. There is, indeed, no doctrine more fraught with evil, than the one which would place the exposition of constitutional power in the hands of Congress. It is

a doctrine, sir, which tramples under foot all constitutional guarantees, and makes the unrestrained will of a majority of this House the supreme law of the land. The history of the legislation of this country furnishes precedents in abundance, of the most dangerous heresies, which could be introduced into the Government. We have precedents for alien and sedition laws, for national banks, for internal improvements by the General Government, and for many other heresies, which the advocates of a latitudinarian construction endeavored to ingraft upon our Constitution. Power is always stealing from the many to the few; and in a Government with limited powers, no better plan could be adopted for enlarging those powers, than by making legislative precedents the rule for determining the extent of constitutional authority. It is the duty of us all—but it is emphatically the duty of the Democratic party—to repudiate all legislative precedents for the exercise of power not granted to Congress by the Constitution.

Entertaining these views, the oath, which I have taken to support the Constitution, imposes upon me the duty to vote against all attempts that may be made to legislate slavery either in or out of our territories, or north or south of any degree of latitude, which may be proposed. Under no circumstances, sir, can I give my vote in favor of the Missouri compromise line, which would be virtually legislating slavery into all territory south of that line. I stand upon the broad constitutional platform of NON-INTERFERENCE; the only platform on which the rights, security, and independence of the States can be maintained.

But, Mr. Chairman, I will leave this constitutional point, and ask the attention of the committee to other matters connected with the question under consideration. It can no longer, sir, be disguised, that this slavery agitation has now assumed a fearful aspect. The danger, with which we are threatened, is not of recent origin; it has been gradually and steadily approaching for years past, though it has been greatly accelerated by recent political events. The two antagonist elements, which were combined in our Constitution, have been warring against each other ever since its formation. The time has now come when the danger must be met face to face; and upon this body is devolved the high and solemn responsibility of meeting it. It must not be met by palliatives, by expedients, or by any system of political quackery, known by the name of compromises. No, sir; the day for shifts or expedients of any kind has passed. We tried the Missouri compromise in 1820, and with what success let the history of the country from that time to the present answer. Sir, since 1820, the slavery agitation has progressed with alarming strides. The Missouri compromise opened the door for its agitation. It certainly did not tend to suppress it, and it could have had no such effect; for whenever a clear constitutional right is surrendered by a compromise, still further surrender will inevitably be sooner or later demanded. Such has been the effect of the Missouri compromise, and such will be the effect of all compromises of constitutional power. I am opposed, sir, to all compromises of this question. I am in favor of meeting it on broad constitutional grounds, with the solemn declaration of this House, that Congress has not the constitutional power to legislate in regard to it. If such a resolution could be

adopted, it would strike at the root of the evil at once; and it would relieve the country from the agitation of a question which is already surrounded with so much danger to the peace and stability of the Union. No one can be insensible of this danger. For my own part, I believe that the peril is more imminent than it has been at any former period of our history. Dissolution may not occur this year, or the next; but it does not require the gift of prophecy to foretell that it will come sooner or later, if these aggressions upon the domestic institutions of the South are persevered in. It is a lamentable fact, that the people of the North and of the South, unmindful that they are children of the same revolutionary parent, begin already to look upon each other as enemies; and it is an equally deplorable fact, that those holy feelings of love and veneration, which the people of both sections of our common country, but a few years ago, entertained for this blessed Union, are gradually dying out, and in a short time will be wholly extinguished. Sir, here lies the danger. I know that the North is full of strength and of vigor, and may compel her weaker brother of the South to submission. But the first blow that is struck—the first blood that is shed will seal the doom of that peaceful and glorious Union which our fathers bequeathed to us. Sir, this Union is not an iron-bound Union, which the hand of power and of violence may maintain. No, sir, the tie which unites us is a silken tie—it is the tie of mutual love and mutual sympathies—of common memories of a glorious past, and of common hopes of a still more glorious future. When this tie is broken, the American Union will exist no longer. The written bond of the Confederacy may remain, but its vitality will be gone. We will have the crushed and battered body, but the soul—everything indeed, which gave life and spirit and value to that body, will have fled forever.

Let no one be deceived in regard to this danger. We are even now passing through the first process of a dissolution of the Union. This House has been already told, that the religious union of two of the most numerous denominations of Christians has been dissolved by this slavery agitation. The northern member of these denominations will no longer worship his God at the same altar with his southern brother; and we have been also told, that the same spirit of disunion has entered the sanctuary of other churches in the North. Sir, not only is our religious union being dissolved, but the political union, which, for more than fifty years, united the Democrats of the North and of the South into one great national Democratic party, exists but in name. Sectional jealousy, and sectional aggression, have separated the Democrat of the North from his political brother of the South, in the same manner that sectional fanaticism has estranged the Christian of the North from his Christian brother of the South. Sir, the proceedings of this Congress, since the first day on which we assembled, prove clearly that an evil spirit is at work, which will ultimately bring, not only upon our party, but our country, ruin and disunion. Why, I ask, were we four weeks endeavoring to elect a Speaker of this House? Our candidate was a Democrat, regularly nominated by a Democratic caucus, unobjectionable to any member of the party on political grounds, and as to his personal fitness for the office, his political opponents even conceded it.

Why, then, was it, that, with a clear Democratic majority in this House, his election did not take place on the first vote? And why was it, that the voting was prolonged for twenty days before we succeeded in the election? Simply because our candidate came from a southern State; and northern Democrats, who boasted of their Democracy, refused to support him—for that reason, and that alone. This fact is significant enough of the progress, which sectional feeling had made in northern constituencies, even before the meeting of Congress. It was the first time in the history of the Democratic party, that a northern Democrat refused to support a southern Democrat because one lived north, and the other south, of Mason and Dixon's line; and I hope it will be the last. Sir, we would have wholly failed in the election of a Speaker on Democratic grounds, if the Whigs had not, in the simplicity of their hearts, rescinded the rule requiring a majority of the votes to elect, and in its stead substituted the plurality rule; and that result would have been produced because northern Democrats would not vote for southern Democrats.

But was there no sectional feeling manifested by the South, when the election of Clerk of the House took place? The one, the Democratic candidate, resided in the North, and the other, the Whig candidate, resided in the South. Did the southern Democrats adhere to the Democratic candidate? No, sir, they even did worse than the northern Democrats, who refused to vote for a southern Democratic Speaker. They not only abandoned the Democratic candidate, but they abandoned the Democratic party, joined the Whigs, and by their votes elected the Whig southern Clerk in opposition to the Democratic northern clerk. Colonel Forney, our candidate, was the favorite of the Democracy of the North; he had always been the eloquent champion of Democratic principles, and he had courageously stood by the Constitution in defence of southern rights against northern aggression. But still this sectional feeling overpowered all other considerations, and he was struck down by the South for the sake of the South. I advert, Mr. Chairman, to these elections with no unkind feelings. My object is to show to what extent this sectional feeling, which is but the forerunner of disunion, has been carried even here in the legislative hall of the nation. But, this feeling has not merely manifested itself in these elections. Who, sir, that loves his country, can forget the terrible scene, which was exhibited in this Chamber, on the 13th of December last, in which the honorable member from Georgia [Mr. Toombs] acted so conspicuous a part? I had but a few days before taken my seat as a Representative of a constituency that had always stood by the Union, and always will stand by it, come what may; and if a thunderbolt had fallen at my feet, I could not have been more shocked than I was at what I then saw and heard. The honorable member did not hesitate "to avow before this House and the country, 'and in the presence of the living God, that if by 'your legislation you seek to drive us from the Territories of California and New Mexico, purchased 'by the common blood and treasure of the whole 'people, and to abolish slavery in this District, 'thereby attempting to fix a national degradation 'upon half of the States of this Confederacy, I am 'for disunion; and if my physical courage be equal 'to the maintenance of my convictions of right and



"duty, I will devote all I am and all I have on earth to its consummation."

Sir, how was this language received? With cries of treason! treason! No, sir; no cry of treason was uttered, but shouts of applause echoed through the Hall. Those plaudits, on that memorable occasion, came not from the galleries, but from honorable, distinguished, and prominent members of both the political parties of the country. The sentiment uttered was not the sentiment of the honorable member alone. The response which it received from southern representatives, showed that it was the sentiment of the South; and no sooner had the sound of his voice reached the southern States, than it was echoed back with legislative approval. I know that the Free-Soil men, and the people generally of the North, have viewed this as the language of a zealous and impassioned man; but in this they are mistaken. If the proviso become a law, they will find that the sentiment uttered by the gentleman from Georgia will be the all-pervading sentiment of the South. It has been repeated again and again on this floor, by other southern representatives; and to this hour, no member from any section of the South, whether Whig or Democrat, with one solitary exception, [Mr. STANLY,] has disavowed that sentiment. Grave Senators and representatives, who have always been distinguished for their prudence and moderation, and for their sincere attachment to the Union, have also solemnly warned us, that if the proviso become a law, the Union will be at an end. Sir, is it not time for the people of the North to take heed of these warnings? Is it not time that they, too, begin to calculate the value of the Union—not in that pecuniary spirit, which estimates its value in dollars and cents, but in that spirit of patriotism, which, looking far beyond its commercial value, estimates it by the many and great blessings it has already conferred upon mankind, and by the countless blessings it is still destined to confer upon generations yet unborn. Is it not time for them to pause and inquire, how long they can teach from their pulpits, and their school-houses, that the institutions of the people of one half of this Confederacy are sinful and wicked, and at the same time the union of these States continue.

But, sir, for what object is the Union thus placed in jeopardy? Is it for the purpose of still further enlarging the liberty of the citizen and obtaining new guarantees for his rights? Is it for the purpose of effecting, by constitutional means, some great constitutional reform? Is it for the purpose of effecting any object demanded by any great public exigency whatever? No, sir; but it is for the miserable object of doing that by human laws which nature, and a higher Power than any earthly tribunal, has already done. So far as regards the Territories of New Mexico and Utah, nature herself has interposed barriers against the introduction of slavery, far more formidable and prohibitory, than any legislative enactment by Congress could possibly be. The whole of the country embraced in these territories is a high mountain region, with no adaptation in soil, climate, or production for slave labor. The adoption of the Wil-mot proviso for these territories would have about as much practical effect in preventing the extension of slavery therein, as it had in the Oregon Territory, or as it would have in Canada, whenever the

people of that northern clime ask to be annexed to the United States. It was stated, in a speech delivered a few days ago by a distinguished Senator, [Mr. DOUGLAS,] on the authority of Fremont's explorations, that the lowest point in the lowest valley of the Great Basin, as marked on the map of those explorations, is more than four thousand feet above the ocean, and that the average elevation of the valleys is at least five thousand feet. Why, sir, what better anti-slavery proviso can the most ultra free soiler desire, than the one which nature herself has enacted? "When you ascend toward the heavens, twice as high as the Alleghany mountains, in order to get into valleys surrounded by mountain ranges many thousand feet higher, and covered with eternal snows, do you not think (asks the distinguished Senator) that you have found a charming country and a lovely climate for the negro, and especially for the profitable employment of slave labor?" Sir, it is time that the honest-minded portion of the community, who are sincerely opposed to the extension of slavery, should look at this question in its true aspect. If they do, I feel certain, that they will no longer suffer themselves to be used for the purpose of promoting the selfish and political objects of a few designing and ambitious men. Fanaticism itself, it seems to me, must be convinced that slavery could not even be driven, by legislation, into the Territories of New Mexico and Utah.

Sir, I do not believe that slavery would, under any circumstances, have been introduced into any of the territories acquired from Mexico. The valleys of the Sacramento and San Joaquin, in California, were the only places to which, by a mere possibility, it might have been extended. But the Giver of all good, in whose hands are the destinies of nations, has, in his infinite wisdom, so controlled human events that every part of California is now, and will forever remain, free soil. The discovery of the gold, and the consequent rush of emigration from the free States, has forever closed her doors against the admission of slavery. Yes, sir, California is already free by the unanimous consent of her own people, and that, too, without the aid or interference of the Free-Soil party of the country. Her soil will be free soil whether she be admitted as a State or be remanded to a territorial condition. No legislative action by Congress can change her destiny. Free she has become by her own act, and free she will remain; and I rejoice that she owes not her freedom to the Free-Soil party in this House. I know that southern gentlemen deny that the constitution of California was the voluntary act of her people, and that they allege it was the act of the administration of President Taylor. Sir, I concede that there was a highly improper and unwarrantable interference by the Administration in regard to California; and that, perhaps, without that interference, this State government would not have been formed. But it is nevertheless the voluntary act of her people, although the suggestion to do that act first came from the Administration. If it be not the voluntary act of the people, why is it that no remonstrance has been sent up to this House? Why is it that no complaint of any kind has been made by any one? Because there is no dissatisfaction among her citizens in regard to that act. But I have other objections to the admission



of California as a State. It occurs to me, that if it were not for the influence, which this slavery question exercises over the minds of us all, not twenty gentlemen could be found in this House who would vote for her admission. The territory embraced by the proposed State of California contains nearly four times the number of square miles, which either New York or Pennsylvania possesses. Pennsylvania has a territory embracing nearly forty-seven thousand square miles, and New York has about the same number. But California is seeking admission with a territory which may be estimated to contain about one hundred and seventy thousand square miles; and she has a sea coast of nine hundred miles, or thereabouts. In addition to all this, she includes within her limits every harbor which we have on the Pacific. Why, sir, admit her with her present extended boundaries, and she will be an empire! No one, who looks forward to the future, when a dense population will fill her borders, can doubt what will be her destiny. With her varied and rich mineral productions, her splendid and unrivalled commercial position, with the trade of the eastern and western world falling into her lap, her population will increase with an acceleration unprecedented even in this country. That destiny will then be separation from the Union, and the formation, out of our territories west of the Rocky Mountains, of a separate western confederacy. I am aware that it has been said, that a great part of her soil is barren, and will be unproductive, and that therefore she will be incapable of sustaining a large population. But whatever may be the fact in regard to her soil, it is manifest that, with her immense valuable mineral productions, she will sustain a population much larger than a merely agricultural territory could possibly do. Sir, we all know the preponderating influence of large States. In 1844, the Whig party felt sensibly the weight of the empire State of New York, whose thirty-six electoral votes crushed their hopes and destroyed their candidate. And in 1848, the Democratic party, with a candidate distinguished for his patriotism and sound American feeling, for his abilities and long-tried services in the councils of the nation, and for his pure and constitutional Democracy—I say, that with such a standard-bearer the Democratic party was for the time struck down by the twenty-six electoral votes of Pennsylvania, which she cast for the no-party President. The three States of New York, Pennsylvania, and Ohio, poll nearly two-thirds of the electoral votes necessary to elect a President; and if we add Virginia, we find four States of the Union wanting but two of three-fourths of the vote requisite to elect a candidate. Does not this simple statement strongly exhibit the dangerous power which belongs to large States? We have thirty States in the Union, and of these four alone can, from their extent of territory, poll three-fourths of the vote necessary to a choice. By a combination with each other, their power, in every Presidential election, would be irresistible. The preponderating influence of large States is felt not only in our Presidential elections, but in the councils of the nation, and in everything, that appertains to the Government of the country. Sir, I think it is unwise to extend this power by admitting California with a territory nearly four times as large as any one of the

four States I have named. The smaller we make the States on the Pacific, the greater will be our security against secession. If I were influenced by the slavery question, in my objection to the admission of California, I would take the ground that by dividing her territory we would have two free States instead of one, and four Senators in Congress instead of two, and thus strengthen the power of the free States in the legislative department of the Government.

But there are other objections to the admission of California, beside the extent of her territory. Has she served the probationary period, which has heretofore been required of all our territories? Has her population in one year become sufficiently indoctrinated in republican principles to entitle them to the inestimable rights, privileges, and immunities enjoyed by a State government? I am afraid not, sir. A large portion of her population consist of foreigners, who have never had a republican training. It is well known, that on the discovery of the gold, persons from every part of the world flocked to California, and that the Pacific coast and islands sent forth their thousands. To say, sir, that such a population, composed of every hue, and brought together from every clime, were fit persons, in whom to vest that high attribute of freemen, the elective franchise, is what I cannot understand, and do not believe. The high privilege of becoming one of the sovereignties of this great Confederacy has never been so lightly granted. Michigan was erected into a territory, January 11, 1805; but she was not admitted as a State until January 26, 1837—more than thirty-two years after her territorial government had been established, notwithstanding she had three times memorialized Congress for admission; and, sir, when she was finally admitted, she was allowed but one representative in Congress. And how was it in respect to Florida? A territorial government was established in March, 1822, but she was not admitted as a State until March, 1845, twenty-three years after she had been created a territory, although she had knocked four times at your doors for admission. Even then, she was allowed but one representative in Congress. I might run through the list of all our territories, and show, that in every instance, they served a probationary term before they were admitted as States; but my time will not permit me to do so. Why, sir, should this salutary rule be broken down in favor of California? In my opinion, a rigid enforcement of it is more necessary, in regard to California, than it was in other cases.

But, Mr. Chairman, what was the population of California when this constitution was formed, and what is it now? When I speak of population, I do not mean gold-seekers and other adventurers, who have gone there for a temporary object; but what is the number of her resident population? No one can tell. But one fact we do know, and that is, that the whole number of votes polled was only about twelve thousand eight hundred, and that, too, without any regard to residence or any other qualification of the voter. No single district in Pennsylvania, or in any other State, that polls only twelve thousand eight hundred votes, is entitled to even one representative in Congress. My own district polls more than sixteen thousand votes. But California is to be admitted as a State, with two Senators and two Representatives, when

her entire vote polled was but twelve thousand eight hundred. The admission of California, under all these circumstances, will not only be a violation of every rule, by which we have been heretofore governed, in the admission of States, but will be an act of great injustice to the other States, who have for so many years borne all the burdens and the perils of the Government in its most trying period. It will be a precedent for the admission, at the next session, of New Mexico, Minnesota, and Utah; and will thus break down that principle of fair and equal representation, which is the cornerstone of our republican system of Government. Much, sir, as I am opposed to her admission, I will nevertheless be compelled, by the wishes of my constituents, whose will I dare not disregard, to vote for the bill now before the committee, unless their opinions should undergo a change before the final vote be taken. I have no right, as a representative, to set up my own judgment against the opinions of my constituents.

It has been my object to show, that California, New Mexico, and Utah, are destined to be free soil, without any legislative action by Congress. Why, then, sir, should the Union be shaken to its centre by the agitation of this slavery question? Why, sir, should these persevering and systematic efforts be made to estrange one section of the Union from the other, and to alienate those who ought to be bound together by fraternal affection? The answer is plain: One class of these agitators desire to break down the national Democratic party, by the formation of a new party, founded on geographical divisions, and thus rise to power and to place; and the other class, composed exclusively of Abolitionists and fanatics, are determined to abolish slavery within the States, at whatever sacrifice, it may be accomplished. The immortal Washington warned us "to distrust the patriotism of those who, in any quarter, might endeavor to weaken the bands of the Union." With him the continuance of the Union, was a primary object of patriotic desire, and he charged us "to cherish a cordial, habitual, and immovable attachment to it, and indignantly to frown upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts." The Father of our country foresaw at that early day, the dangers to which the Union might be exposed, and he warned us, in the most solemn and emphatic manner, to frown upon the very first dawning of any attempt to alienate one section from the other. And how have we attended to his injunction? Scarcely more than fifty years have passed away since this solemn charge was given to us, and already sectional jealousies and geographical discriminations are bringing forth their bitter fruits. The first dawning of alienation has long since disappeared, and the lurid glare of disunion now sheds its sickening and dismal light around us. Sir, if my colleague, [Mr. STEVENS,] when he addressed the committee, had raised his eyes to the portrait of Washington, which hung before him, he would have seen it indignantly frowning at his ignoble attempt to excite one section of the Union against the other; or, if the heart of that member had throbbed with even one patriotic impulse, he would have shrunk back to his seat covered with shame and remorse, for his libel upon the government of his country.

Sir, I envy not the feelings of any one, who can rise in his place, and in a deliberately prepared speech, pronounce the Government of his country, a despotism. I envy not the man, who can thus defame the memories of Washington, and Franklin, and Madison, and of the other sages and patriots of the Revolution, by whom this Constitution was formed. No, sir, I envy no such man; and I would leave him alone in his shame, if a sense of duty did not require me to notice some other passages of that most extraordinary speech. In referring to the course of the South, that member has dared to speak of his Democratic colleagues in the following indecent and insulting language:

"You have more than once frightened the tame North from its propriety, and found 'doughfaces' enough to be your tools. And when you lacked a given number, I take no pride in saying, you were sure to find them in old Pennsylvania, who, in former years, has ranked a portion of her delegation among your most submissive slaves. But I hope, with some fears, that the race of doughfaces is extinct. I do not see how it could well be otherwise. They were an unmanly, an unvirile race, incapable, according to the laws of nature, of reproduction. I hope they have left no descendants. The old ones are deep in political graves. For them, I am sure there is no resurrection, for they were soulless."

But he even went still further, and denounced every northern man, who did not vote for the slavery restriction, "as a traitor to liberty and recreant to his God." Sir, I may well ask whether this is the representative hall of the nation? whether we are the free Representatives of a free people, or the "submissive slaves" which my colleague has charged that we are? for surely language so offensive, and impudence so unblushing, have never before been seen or heard, in any respectable assemblage of men. I know, sir, that it should be treated with the scorn and contempt which every honorable mind must feel for its author. It is an old proverb, and as true as it is old, that the bad tongue of a bad man can defame no one. Pennsylvania knows that member. With deep humiliation she acknowledges the acquaintance. His history has been the history of her wrongs and her misfortunes. But, sir, the memories of the past have long since placed an impassable gulf between him and her. She has affixed a brand upon him, as deep and as indelible as the wrongs which she suffered at his hands were grievous and intolerable. Yes, sir, his day of mischief there has passed, and the Democracy of Pennsylvania may well laugh to scorn his vulgar, indecent, and unmanly abuse, not only of her own Representatives, but of her southern brethren also. In a mind constituted as is that member's, no doubt some apology may be found for this extraordinary speech. If, sir, I had ever been an applicant for a high office under the General Government, and had been defeated by the South, in consequence of my abolition tendencies, perhaps, I, too, might speak of the South with equal bitterness. If, sir, I were so degraded in feeling as to desire to raise the negro to social and political equality with the white man, perhaps, I, too, might denounce the slaveholder as recreant to his God. If, sir, I were so insensible of the dignity of my position, and so lost to all sense of propriety as to be regardless of what was due to my colleagues, and to this House, perhaps I, too, might stigmatise as *doughfaces* every one, who did not think as I thought, and vote as I voted. Or if, sir, I had been, on any occasion, a traitor to liberty, and had, by force of



arms, endeavored to treat an election, as if it had never taken place, perhaps I, too, might denounce as traitors every northern Representative who stood by the Constitution of his country. But, sir, there is one thing I could not do: I could not rise in my place, and utter these sentiments, just after I had voted for a slaveholder for President, in preference to a candidate who was born, educated, and lived on free soil; and in preference to another candidate, who was the embodiment of the principles which I professed. Nor, sir, could I rise in my place and so defame the character of good old Democratic Pennsylvania, as to represent that she participated in any such sentiments. If I did, it would bring a deeper blush into my cheek than the address of the gentleman from Virginia [Mr. MEADE] brought into the cheek of the honorable member from Pennsylvania; and he, sir, has never been very remarkable for blushing. No, sir, Pennsylvania entertains no such sentiments or feelings. Her voice is coming up daily to this House, in tones of condemnation of the course pursued by my colleague, and the Free-Soil and Abolition party of the North. No son of hers, who had been born upon her soil, and had breathed in early life her pure mountain air, would have given utterance to such sentiments. Sir, the Democratic party of Pennsylvania has always stood by the Union in its hour of peril, as well as in its day of prosperity. That party has never recognized any geographical discriminations in favor of one section of the Union against the other; and I am proud to say, that now, when danger again threatens, that party and that State are the first to come forward to the rescue. Yes, sir, and I feel still more proud, that the stout-hearted Democracy of my own gallant Lehigh was foremost to rally in defence of the Union, against these incendiary attempts to trample upon the Constitution. But, I will pass to a subject of more importance than the member from Pennsylvania.

We have heard a great deal said about the aggressions of the two sections of the Union on the rights of each other. I propose, sir, to consider the question, by which section those aggressions have been made—by the North or by the South. The history of the country, from the adoption of the Constitution, shows that the people of the North have been the aggressors. I know that it has been the constant theme of the Federal party and of Federal editors, for some years past, to impress upon the people of the North, that the South has been aggressing upon their rights; and the question has been tauntingly put to us, whether we will longer submit to southern dictation and southern rule. Sir, this feeling was first deliberately inculcated when the Democratic party of the South began to warn the country of the errors and the evils of a protective tariff. The Federal party had always inculcated it, for the plain reason, that the South was the strong-hold of the Democracy: and it was only by arousing sectional jealousy and arraying the North against the South, that the Federalists could expect to break down the Democratic party of the Union, and thus secure to themselves the control of the Government. Divide and conquer was their principle of action. But the Democracy of the North stood firm, and resisted all their attempts to separate them from their political brethren of the South. It was not until the protective system, with all its abominations, was about

to be swept away, that any portion of the Democratic party of the North sympathized with the Federalists in their sectional hostility. It was then, before the eyes of the Democrats were fully opened to the enormities of this protective system, that the cry of southern dictation was raised with redoubled energy by the Federalists; and then, for the first time, it found favor with a portion of the northern Democrats. They joined the Federalists in their cry against the South, in order to preserve that system of laws, which protected the manufacturing interest at the expense of every other interest of the country. Sir, from that day to this, the Federalists, Abolitionists, and the great body of the manufacturers of the North, have rung the changes so often upon southern aggression, that unreflecting men have begun to believe there was something in it. But when has the South ever aggressed upon the North?—or when, by any legislative enactment, has she ever infringed upon their rights, privileges, or social institutions? No such attempt by the South has ever been made. The history of our legislation shows, that the South has always voted appropriations for the North with a liberal hand. Look at the harbors and sea-coast of the North, and you will there see evidences enough to attest the liberality of the South, and to prove, that she has never entertained any unkind feelings for that section of the Union. Millions upon millions she has voted to build up our Atlantic cities, and to increase the wealth and power of the northern States, and still she is charged with aggression! Sir, as a northern man, I pronounce the charge unjust and ungenerous. If gentlemen, who make this charge mean, that the South has given a strict construction to the Constitution, and thus restrained the North in their bold attempts so to construe it, as would have destroyed the sovereignty of the States, and led to a consolidation of power in the General Government, then I admit the fact. But this was not aggression—it was constitutional protection against the unconstitutional assumption of the North.

Now, Mr. Chairman, let us look at the other side of the picture. Let us see whether the North—I mean the Federal party of the North—has not been constantly aggressing upon the South. In 1789 the Constitution went into operation. "It was the result (said General Washington, in his letter to the President of the Congress of 1787) 'of a spirit of amity, and of that mutual deference and concession, which the peculiarity of our political situation rendered indispensable.'" By that instrument, the free States agreed to form a union with the slave States. The Constitution expressly recognized slavery, and stipulated for the protection of slave property. Nay more, it legalized the slave trade, and covenanted, that no amendment of the Constitution that might be made prior to 1808 should prohibit the importation of slaves. It thus not only legalized slavery and protected slave property, but it looked forward to an increased foreign importation of slaves. Whether or not the free States, or those that were about to become free, acted wisely in entering into such a compact, it is not for us, who are sworn to support the Constitution as we find it, to determine. It is sufficient to know, that it was submitted to the people of the different States, and that it received their solemn sanction, through their Representatives, in Conventions assembled; and that it is now



binding on us and on the whole country. One of the objects of the union, as the preamble to the Constitution sets forth, was "*to insure domestic tranquillity.*" But no sooner was the Government organized, than an attempt was made by the North to disturb the domestic tranquillity of the South. At the first Congress, held under the Constitution, a petition, signed by citizens of the North, asking for the abolition of slavery, was presented. Thus we find, that as early as 1790 the North commenced its attacks upon the institutions of the South; and they have persevered in these assaults, regardless of all constitutional stipulations, with unrelenting and uncompromising hostility, from that day to the present. I will not take up the time of the House by recapitulating in detail these different acts of hostility, but will confine my remarks to a few of the most prominent. The great body of the people of the South was Democratic, and this was a sin, which was not to be forgiven by the New England Federalists. The hostility of the Federal party of New England to the South, from the day that the Democracy of the country triumphed over John Adams and northern Federalism, by the election of Thomas Jefferson, is as notorious, sir, as was their opposition to the war of 1812, and the opposition of their descendants to the just and righteous war with Mexico. And what did that party then do, during the war of 1812? Why, when that treasonable assemblage of northern Federalists, known as the Hartford Convention, met to devise plans of giving aid and comfort to our foreign foe, and to break down the Democratic administration of Madison, one of their first acts was to agitate the slavery question. This question was at that day, as it is now, the most formidable weapon, which the Federalists could use to destroy the great national Democratic party; and accordingly one of the alleged grievances of that convention was this southern institution, and the right of representation founded upon it. Yes, sir, at that time, when the people of the South stood shoulder to shoulder with the Democrats of the North, fighting the battles of our country in the war of 1812, the Federalists of New England were banding together to destroy the Constitution, and the rights guaranteed by it to the southern States. Then it was, that in the midst of a perilous war with Great Britain—a war which required the union of the whole country to bring it to a glorious termination—that the eastern Federalists raised the cry against the slavery institutions of the South. Did the Democrats of the North, or any part of them, then join in this cry? No, sir; they understood too well the obligations which the Constitution had imposed upon them, and the duty which they owed their country. They knew too well that the agitation of the slavery question was a plot to break down the national Democracy by separating the northern Democrat from his southern brother. They stood then, as I hope they always will stand, by their principles and by the Constitution. And what course did Democratic Pennsylvania take with these anti slavery resolutions of the Hartford Convention, which the Governors of Connecticut and Massachusetts transmitted for her consideration? Did she then cry out free soil and southern aggression, or join the eastern Federalists in their crusade against slavery? Far from it. That firm Democrat and pure patriot, Simon Snyder, was at that time the Governor of the State; and it was

under his administration that a Democratic Legislature of Pennsylvania, without the dissenting voice of a single Democrat, affixed the seal of condemnation to the anti-slavery agitation of that period. This is the first chapter of northern aggression. But let us come down to a later period.

Missouri, which was formed out of the territory, ceded by France in 1803, was slave territory when she asked admission as a State. Indeed, all the territory, ceded by France, was slave territory at the time of the cession. So far, therefore, as regarded the question of slavery, the North had no plausible ground to object to her admission. It was the institution of her people, when she was formed into a territory in 1812, and continued to be her institution, down to the time of her admission, in 1820. But Missouri would add one more to the Democratic States if admitted, and strengthen still further the great national Democratic party. The Democrats were still in power; but the Federalists of the North had determined that a northern man should succeed Mr. Monroe when his term of office expired. Again they raised the slavery cry, and again their efforts were directed to estrange the North from the South. The same object, which the Hartford conventionists had in view, actuated the Federal leaders of the North in their agitation of the Missouri question. That object was the destruction of the national Democratic party, by the formation of a northern party, founded on sectional issues. Many honest Democrats then, as now, influenced by their hostility to slavery, suffered themselves to be lured from the principles of their party by the insidious and hypocritical cry of free soil—a cry first raised in New England, and echoed back by the whole Federal party north of Mason and Dixon's line. Sir, the Missouri agitation was a fearful crisis in the history of this country. The Republic was shaken to its centre, and reeled under the blows which northern Federalists and northern fanatics were striking at its constitutional integrity. "This momentous question," (said Thomas Jefferson,) like a fire-bell in the night, awakened and filled me with terror. I considered it at once the knell of the Union. It is 'hushed, indeed, for the moment; but this is a 'reprieve only, not a final sentence.'" How graphic is his representation of the danger to which the country was then exposed, and how prophetic were the fears, which he then expressed, that the settlement of the Missouri question was only a "reprieve, not a final sentence!" I suppose northern gentlemen can see no aggression on the rights of the South in this question. In my opinion, it was aggression of the boldest and most dangerous character. Sir, I have said that the Missouri agitation had its origin with the Federal party, and that its object was the destruction of the Democratic party. I have not made this charge heedlessly, or without ample authority to sustain it. I make it on the authority of Thomas Jefferson himself, who wrote, that

"On the eclipse of federalism with us, although not its extinction, its leaders got up the Missouri question, under the false front of lessening the measure of slavery, but with the real view of producing a geographical division of parties, which might insure them the next President. The people of the North went blindfold into the snare, followed their leaders for a while with a zeal truly moral and laudable, until they became sensible that they had been used merely as tools for electioneering purposes; and that trick of hypocrisy then fell as quickly as it had been got up."

Let the Democrats of the North now take heed

of the counsels of Jefferson. Let them not fall blindfold into the snare which the Federalists or Whigs of the North have again set for them; but relying on the integrity of their principles, and standing firm by the Constitution of their country, let them be, what they have ever been, the conservators of Republicanism, and the defenders of the Union.

But, Mr. Chairman, let us come down to a still later period. The North had been for a long time insidiously undermining the Constitution. Powers not granted by the States had been assumed by the General Government; and other powers, which were granted, had been shamefully abused by the legislation of the country. The illustrious patriot, Andrew Jackson, was, however, elected President; and down went, one after the other, every prop of federalism. The Bank of the United States fell to the ground, the internal-improvement system was knocked in the head, and last, though not least, the system of granting patents of monopoly to the eastern manufacturers and federalists in the form of high protective tariffs, was grievously wounded and in the last throes of dissolution. Nothing was left but the slavery question, the old sectional issue; and from 1835 to this moment it has been pressed by the North upon this House and the country, with a vigor and determination never before exhibited. Session after session innumerable petitions were sent up to this House, signed by the abolition men, and women, and children of the North, asking Congress to do that which the Constitution gave them no power to do. The "domestic tranquillity" of the South, which was one of the objects of the Union, was assailed in its most tender point, not merely by petitions to Congress, but by incendiary publications, disseminated through the southern States, inciting the slave to insurrection and to massacre. The history of that period is fresh in the recollection of us all. A more cruel, shameless, and merciless assault upon the peace, safety, and domestic tranquillity of the South could not have been made, than was then made by the abolitionists of the North; and still northern gentlemen on the opposite side of this Chamber allege, that there has been no aggression on the South. Why, sir, what constitutes aggression? Was it no aggression to assail the domestic institutions of a sovereign State of this Confederacy? Was it no aggression to incite a servile insurrection, to stir up the slave to murder his owner, to fire his dwelling, to deluge the southern country with the blood of our southern brethren, and to desolate the hearth-stone of every southern family in the Union? Sir, if this be not aggression, then I do not know what constitutes aggression. Restrained by no principle, moral or religious, by no feelings of humanity for their fellow man, and by no mercy for their intended victims, these abolitionists pressed forward to consummate their wicked designs, with the torch of the incendiary in one hand and the black flag of negro emancipation in the other. And, sir, in the very front rank of that fanatic throng, stood Hypocrisy

\* \* \* \* with holy leer,  
Soft smiling and demurely looking down,  
But hid the dagger underneath the gown.

Mr. Chairman, was all this no aggression? Sir, if the Democratic party had not taken a bold, but perhaps doubtful, constitutional ground, it would

have been something more than aggression—it would have been cold-blooded massacre. The South would have been lighted up with the conflagration of her cities and towns, and the air would have resounded with the dying shrieks of her helpless women and children; blood would have flowed in torrents, and the war of extermination would have been carried on, until half of the States of this Confederacy had been desolated, if not entirely depopulated. But the Democratic party saved the country from so direful a calamity. The peril to the South was imminent, and required prompt and decided action. A bill was passed empowering postmasters in the southern States to open the mail-bags, and take out the incendiary publications, which the Abolitionists were secretly circulating throughout the southern country. It was only by these means that a servile insurrection was prevented, and the domestic tranquillity of the South in some measure secured. But although this bill put a stop to the circulation in the South of incendiary publications by the Abolitionists, it did not restrain the North from pressing on Congress petitions for the abolition of slavery in the District of Columbia and the territories. Unabashed by the rebuke, which Congress had just given them, and utterly regardless of the welfare of their country, this northern party redoubled their exertions, backed by the great body of the Whigs in all the northern States. Again the country was convulsed by the agitation of the slavery question, and again the Democratic party came to the rescue. It was in 1838, in consequence of this northern agitation, that the celebrated resolutions of Mr. Atherton were introduced. These resolutions were supported by the great body of the Democratic party of the North, but opposed, I believe, unanimously by the Whig and Abolition parties of the same section. They were supported by all the Democratic Representatives from Pennsylvania, and by both the Democratic Senators from that State. I beg, sir, to call the attention of the committee to those resolutions, as containing the true Democratic doctrine on the subject of slavery. They are as follow:

1. *Resolved*, That this Government is a Government of limited powers, and that by the Constitution of the United States Congress has no jurisdiction whatever over the subject of slavery in the several States of this Confederacy.

2. *Resolved*, That petitions for the abolition of slavery in the District of Columbia, and the territories of the United States, and against the removal of slaves from one State to another, are a part of a plan of operations set on foot to affect the institution of slavery in the several States, and thus indirectly destroy that institution within their limits.

3. *Resolved*, That Congress has no right to do that indirectly which it cannot do directly; and that the agitation of the subject of slavery in the District of Columbia, or the territories, as a means and with a view of disturbing or overthrowing that institution in the several States, is against the true spirit and meaning of the Constitution, an infringement of the rights of the States affected, and a breach of the public faith upon which they entered into the Confederation.

4. *Resolved*, That the Constitution rests on the broad principles of equality among the members of this Confederacy, and that Congress, in the exercise of its acknowledged powers, has no right to discriminate between the institutions of one of the States and another, with a view of abolishing the one and promoting the other.

This, sir, was the national platform, then laid down by the Democratic party in Congress; and it is the only platform on which the union of these States can securely rest, or on which the Demo-



cratic party can stand. These resolutions repudiate the Wilmot proviso in almost direct terms. The 4th resolution declares, that the Constitution "rests on the broad principles of equality among the members of this Confederacy," and that Congress has no right to discriminate between the institutions of the different States. Here is the doctrine of non-intervention laid down by the Democratic party more than twelve years ago. It was sound doctrine then, and it is equally sound doctrine now; and I hope that every Democrat here, and every Democratic constituency throughout the land, will reassert the principles contained in the resolutions which I have just read. But, sir, we have even still higher authority for this doctrine of non-interference. The National Democratic Conventions, composed of delegates from every section of the Union, in 1840, '44, and '48, solemnly resolved, that Congress has no power under the Constitution to interfere with this domestic institution of the States, and that all efforts made to induce Congress to interfere with questions of slavery, "or to take incipient steps in relation thereto," are calculated to endanger the stability and permanency of the Union, and ought not to be countenanced by any friend to our political institutions. Such has been the unbroken course of the Democratic party for a long series of years, in regard to this question of slavery. Now is the time to hold fast to these principles, because now is the time that their maintenance can alone restore peace and quiet to our distracted country.

But, sir, before I conclude, I must refer to one other act of aggression by the North upon the South: I mean the refusal to deliver fugitive slaves. This, Mr. Chairman, has been an aggression, made in open violation of the plainest constitutional obligations, that could be entered into by any people—and made too without the semblance of an excuse or justification. Sir, it is absurd to call any of the stipulations of the Constitution, compromises; but by whatever term they may be designated, they are binding covenants, which the States are bound to execute in good faith, and in letter and in spirit. How have the free States fulfilled their covenant to deliver the fugitive slave to the owner? Why sir, that clause of the Constitution has become a dead letter. Bands of abolitionists are organized in the North not only to aid in the escape of the slaves, but to steal them from their owners. I have the authority of an abolitionist of my own district for the truth of this statement. The refusal to execute this constitutional duty has not been confined to individual citizens of the North; but we have had the Legislatures of nearly all the northern States endeavoring by stringent provisions to prevent the delivery of the slave to his owner. I am glad, however, to say, that the Democrats of my own State have just succeeded in passing through the House of Representatives, with the aid of but two Whig votes, a bill repealing the obnoxious and unconstitutional law of 1847, and I trust that the Demo-

crats in other northern States will follow our example. The people of my own county, I am certain, will sustain me in the adoption of any law, which will relieve them of your fugitive slaves. We have free negroes enough to support, without having your slaves brought among us to interfere with the labor of the white man, to fill our jails and alms-houses, and to increase the taxes of the industrious portion of the community. But, sir, while such is the feeling of my constituents, they will require me to take good care, that in any bill, which Congress may adopt for the return of the slave, the rights of the colored man are sufficiently protected against injury and oppression.

Such has been the course of the North against the South—not merely one act of aggression, but a series of acts beginning at the very birth of the Government, and running down to the present time. What more could have been done by the North to disturb "the domestic tranquillity" of the South, I am at a loss to know. It has been aggression not merely on the property and the domestic institutions of her people, but on the constitutional integrity of the Union itself. By expressing these views in the face of the excitement, which pervades every northern constituency, I am aware of the personal sacrifice that I may make; but I have felt that it was time, even for an individual so humble as myself, to make some offering on the altar of his country. Let others go and do likewise, and peace, and love, and happiness will reign throughout the breadth and the length of our common country. I place my whole reliance, in this emergency, in the Democratic party of the North. When has our country ever called upon that party to come to her rescue, that it has not been by her side, guarding and protecting her from the foreign and the domestic foe? Sir, that party has always recognized the inviolability of the Constitution and the sovereignty of the States. With the Constitution for its guide, and the glory and honor of our beloved country for its only objects, it has always been found standing by the Union, whether in its hour of peril or of safety. Sir, in this hour of peril, the most imminent that has ever occurred, let that party be again found by the side of the country, in defence of the Constitution and the integrity of the Union. Let us stand, as our fathers stood, by the constitutional Union, which came from their hands—by that Union, which knows no North, no South, no East, and no West, but which guarantees to every section equal rights and equal privileges—by that Union, formed, as it was, in mutual love, which gave to the North no power to oppress the South, and to the South no power to inflict wrongs upon the North—by that Union, which has made us a great, prosperous, and free people, and which, if it continue, will liberate the world from bondage, and shed the light of liberty, religion, and civilization, into the darkest corners of the earth. In a word, sir, let there be a union of the Democracy for the sake of the Union.



GAYLORD BROS.

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